

IN THE MATTER OF A PETITION FOR  
DETERMINATION OF AN APPROPRIATE  
UNIT AND CERTIFICATION AS EXCLUSIVE  
REPRESENTATIVE

VIA EMAIL AND  
U.S. MAIL

April 12, 2012

University of Minnesota, Minneapolis, Minnesota  
- and -  
Graduate Student Workers United/UAW, Minneapolis, Minnesota

BMS Case No. 12PCE0753

**PROCEDURAL ORDER ON UNFAIR ELECTION CHARGE**

**FACTS**

On February 8, 2012 and February 21, 2012, the State of Minnesota, Bureau of Mediation Services (Bureau), conducted Pre-Hearing Conferences (Conference) pursuant to a petition filed by the Graduate Student Workers United/UAW, Minneapolis, Minnesota (Union). The petition requested certification as exclusive representative for the statutorily established appropriate unit of graduate assistants (Appropriate Unit) employed by the University of Minnesota, Minneapolis, Minnesota (Employer). (See Minn. Stat. §179A.11, Subd. 1(10) (2004). On March 1, 2012, the Bureau issued a Certification Unit Determination Order (UD Order) and an Election Order (EO) providing for the conduct of an on-site election among eligible voters in the Appropriate Unit. In accordance with the EO, the Bureau conducted an on-site election on the Employer's campuses during the week of March 19-23, 2012. On March 26, 2012, the results of the voting were tabulated and the Bureau issued a Certification of the Results of Tabulation Order (Certification Order) on said date. The Certification Order provided in relevant portion as follows:

The tabulated results of a certification election conducted in the above-captioned matter by an agent of the Bureau of Mediation Services reveal that an exclusive representative has **not** been selected:

ELIGIBLE EMPLOYEES (4,395)  
VOTES FOR GRADUATE STUDENT WORKERS UNITED/UAW (1,142)  
VOTES FOR NO REPRESENTATIVE (1,857)  
**TOTAL VOTES TABULATED (2,999)**

Based on these election results, **IT IS CERTIFIED THAT GRADUATE STUDENT WORKERS UNITED/UAW, MINNEAPOLIS, Minnesota**, is **NOT** the exclusive representative for the employees falling within the appropriate unit...

On April 5, 2012 the Union filed an Unfair Election Practice Charge (Charge) alleging the University of Minnesota, through its agents and representatives, committed unfair labor practices within the meaning of Minn. Stat. §179A.12, Subd. 11, and Minn. Stat. §179A.13, Subd. 2, and committed unfair election practices within the meaning of Minn. Rules §5510.2110, which affected the results of the election set forth in the Certification Order. On April 10, 2012, as provided by Minn. Rules §5510.2110, the Bureau issued a Stay of Certification of Results of Tabulation Order pending an investigation and ruling by the Bureau on the alleged charges.

### **ORDER**

1. The Union shall file, in writing, an offer of proof with the Bureau and copy to the Employer specifying the facts to support the Charge including:
  - a) The University rule that promulgated a discriminatory and overbroad rule specifically targeting and restricting graduate assistant union organizing;
  - b) Specific evidence regarding the dissemination of the rule throughout the pool of eligible voters beginning August 2011 up to and through the week of the election;
  - c) Specific evidence showing how the alleged rule unlawfully prohibited graduate assistants from exercising their statutory rights to engage in union organizing activities in graduate assistant workplaces;
  - d) Specific evidence showing how the alleged rule affected the election results certified on March 26, 2012; and
2. The offer of proof must be received in the office of the Bureau of Mediation Services not later than April 23, 2012.
3. The Employer shall file a written response to the Union's offer of poof not later than May 3, 2012.

4. The Bureau will schedule a hearing, in the event such is required; accordingly, each party shall provide the Bureau with four possible dates for a hearing to be conducted during the month of May, 2012.
5. The Employer shall post this Order at the work places of affected employees.

STATE OF MINNESOTA  
Bureau of Mediation Services

JOSH L. TILSEN  
Commissioner

cc: Patti Dion (2)  
(Including Posting Copies)  
Richard Kaspari  
Maureen Boyd  
Sherry Stone  
Shelley Carthen Watson